

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Marc E. Brown on 04/05/2010.

The application has been amended as follows:

In claim 29:

at line 3, the term "for" has been replaced with the phrase --configured to--

at line 4, the phrase "the arrival" has been replaced with the phrase --an arrival--

at line 16, the phrase "the pre-determined time period" has been replaced with the phrase – the pre-determined time period after the first of the plurality of patrons arrives has elapsed – after the term "adjust"

at line 17, the term "the" has been deleted before the term "time", "popularity" and "number of theaters".

2. The following is an examiner's statement of reasons for allowance:

The closest prior art of record is US PG. Pub. No. 2004/0133907 (Rodriguez) teaches, a digital broadband delivery systems. His invention relates to management of bandwidth

allocation in a digital broadband delivery system. Rodriguez teaches that a subscriber can interact with the DBDS to request services, such as Pay-Per-View programming, View-On-Demand programs. The Examiner interprets the request of a desired program by a subscriber as arrival of each of the patrons at the theater.

However, it is clear from the description of Rodriguez's invention that the prior art does not consider the possibility of: projecting the motion picture at the earlier of the following times:

when the timing system indicates that the pre-determined time period after the first of the plurality of patrons arrives at the theater has elapsed, or

when the information from the input system indicates that a pre- determined number of the patrons has arrived at the theater, as recited in the sole independent claim 29.

Other prior art made of record and not relied upon is considered pertinent to applicant's disclosure is US PG. Pub. No.2002/0095679 (Bonini). He discloses digital content distribution for digital cinemas and theaters.

Other prior art made of record and not relied upon is considered pertinent to applicant's disclosure is US Patent No. 71341130 (Thomas) . His method for controlling access to information based on content on a video display. It discloses that a room is constantly scanned to determine audience at each scan time. It is used to determine which persons are presented at any given time.

Other prior art made of record and not relied upon is considered pertinent to applicant's disclosure is US Patent No. 5945988 (Williams) . His apparatus teaches continually checking for and identifying new users of the system.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. VICTORIA VANDERHORST whose telephone number is (571)270-3604. The examiner can normally be reached on regular.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynda Jasmin can be reached on 571 272 6633. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. VICTORIA VANDERHORST/
Examiner, Art Unit 3688
April 5/2010

/Lynda Jasmin/

Supervisory Patent Examiner, Art Unit 3688